

# SAFE, ACCOUNTABLE, FLEXIBLE, AND EFFICIENT TRANSPORTATION EQUITY ACT OF 2003

Mr. DORGAN. Mr. President, I rise today to discuss S. 1072, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003.

The transportation bill is a needed investment for America's infrastructure. Our Nation's roads, bridges and transit systems need help now. Thirty-eight percent of our Nation's major roads are in poor or fair condition, and 28 percent of our bridges are structurally deficient and unsafe for travel.

This bill is important for the economy as well. Transportation surpasses education and recreation and nearly equals health care and food as a contributor to economic growth, and the transportation sector is critical to jobs, employing millions of workers. A 6-year, \$311 billion transportation bill will create more than 830,000 jobs across the United States.

I want to specifically mention how important transportation funding is to North Dakota. North Dakota has only 17 people per lane mile of Federal-aid highway; the national average is 124. As a result, there is a huge per capita investment by North Dakota citizens to support a national transportation system.

That means that Federal aid is critical for ensuring the development, safety and reliability of transportation infrastructure, as it simply does not have the population to support its needs. The \$1.463 billion that North Dakota is projected to receive over the next 6 years will benefit the infrastructure, economy, and citizens of North Dakota, and the many others who use North Dakota's roadways for interstate commerce and tourism.

Chairman INHOFE and Ranking Member JEFFORDS worked hard to ensure that rural States would receive adequate funding in this bill, and I thank them for their efforts. I emphasize that we must continue to work to preserve this funding as this bill proceeds. I also thank them for their work to include two of my amendments in S. 1072.

My first amendment will ease the burdens of cumbersome hazardous materials regulations on small farmers. Farmers driving their pickup trucks with a 120-gallon tank of fuel in the back should not have to file security plans. These farmers are not a threat to our Nation's security, and my amendment exempts them from these unnecessary rules.

My second amendment will ensure that States prohibit open containers of alcoholic beverages in vehicles. In this day and age, it is unbelievable that someone can still drive with one hand on the wheel and one hand holding an open bottle of Jack Daniels, and my amendment takes action so that States crack down on this violation.

Lastly, I want to say that it is unfortunate that we were not able take up amendments that Senator BURNS, Senator ROCKEFELLER and I submitted to

address current problems with rail policy in this Nation.

While more than 40 major railroads existed in 1980, these have now consolidated to seven, with four major railroads generating over 90 percent of the total annual rail revenue. The previous Interstate Commerce Commission, and the current Surface Transportation Board, STB, have failed to implement captive customer protections, and in fact have interpreted the deregulation act to allow railroads to deny rail customer access to rail competition. As a result, today we have a national rail industry that is both deregulated and retains almost unchecked monopoly power over at least 30 percent of its customers.

This issue hits home for my constituents and me. Grain production is a major industry in my State. Unfortunately, our grain producers are captive to a single railroad. That railroad consistently charges rates that are so outrageously high that our grain loses access to both U.S. and foreign markets. When we do move our grain at these high rail rates, every dollar for rail transportation comes out of the pockets of our grain farmers in the form of reduced net-backs from their grain sales.

It is unfortunate that our rail amendments could not be offered for a full debate and vote. They would have begun to introduce the competition in the national rail system that should have resulted from deregulation 23 years ago. These amendments would have provided some much needed relief to our farmers, manufacturers and electric ratepayers and would help save American jobs for Americans. I will continue to work for a chance to take action on these amendments and move our rail system toward the efficient, procompetitive system this Nation needs and deserves.

## LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On July 3, 1999, in Philadelphia, PA, a 59-year-old gay man was found beaten to death in his apartment. The bodies of two other gay men from the Philadelphia area were found in the Schuylkill River the previous month.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

## LTC COLONEL FRANK LOUIS BOSCH: IN MEMORIAM

Mrs. BOXER. Mr. President, I rise to share with my colleagues the memory of retired Air Force LTC Frank Louis Bosch. COL Bosch was a dedicated member of the armed services and a dedicated community volunteer. His life is truly an example of selflessness and service to others.

COL Bosch was born in New Orleans and raised in Brooklyn, NY. Throughout his commendable service in the Army Air Forces, he flew night missions in World War II, commanded a fighter group in the Korean War, and received the Distinguished Flying Cross for his participation in the Battle of Khe Sanh in Vietnam.

Upon retiring, COL Bosch refused to believe that his service to others must end. After earning a bachelor's and master's degree in physical education from George Mason University, he created and led exercise programs for seniors at the Fairfax County recreation department. He also organized softball leagues, ice skating groups, and the Northern Virginia Senior Olympics. He worked as a docent and guide at the Vietnam Veterans Memorial and assisted the priests of Fort Meyers with burials of veterans at Arlington National Cemetery. He served as an election officer in Fairfax, Eucharistic minister and usher at St. Michael's church in Annandale, was a former vice president of the WWII Night Fighters Association and a member of the Knights of Columbus.

Although he never looked to be rewarded for his service to both country and community, honors were frequently bestowed upon him. Along with the Distinguished Flying Cross, he was awarded the Virginia Governors Award for volunteering and the National Park Service's volunteer-of-the-year.

COL Bosch's life serves as an inspiration to all who knew him or have heard his story. When his son Paul called my office today, he mentioned that at the colonel's funeral at Arlington, "the sun came out just long enough for us to have a very warm feeling." I know that the example of COL Bosch's life will be a warm feeling for all of us as we remember his bravery, generosity and compassion.

I extend my deepest sympathies to his wife, Mardy, his sons and daughters, his grandchildren, and great-grandchildren. I am confident that COL Bosch's spirit will live on in them for years to come.

## ADDITIONAL STATEMENTS

### IN RECOGNITION OF ERNEST C. LEVISTER

• Mrs. BOXER. Mr. President, I rise today to recognize the philanthropic works of Ernest C. Levister, Jr., M.D. For his longstanding commitment to the health of residents of the Inland